

# ENVIRONMENTAL JUSTICE

ENVIRONMENTAL JUSTICE PROGRAM  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Water Quality Coordinating Committee (WQCC) Meeting  
October 25, 2013

# Summary of Presentation

- Background on Environmental Justice
- Tools and Strategies
  - ▣ CalEnviroScreen
  - ▣ Environmental Enforcement Reporting Networks
  - ▣ EPA Legal Tools
  - ▣ CalEPA Tribal Policy

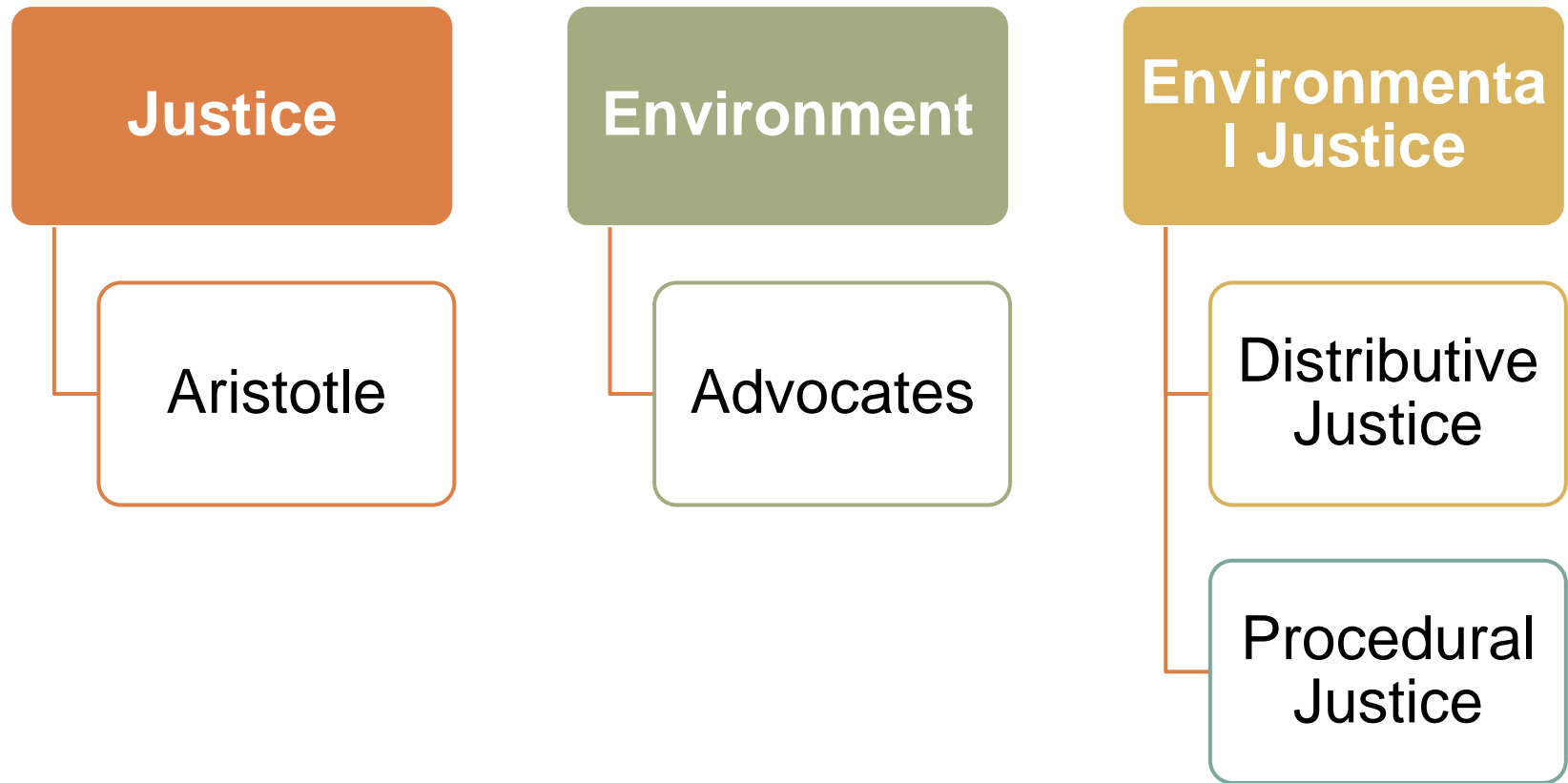
A solid orange square is positioned to the left of the title text.

# Background on Environmental Justice

# Environmental Justice

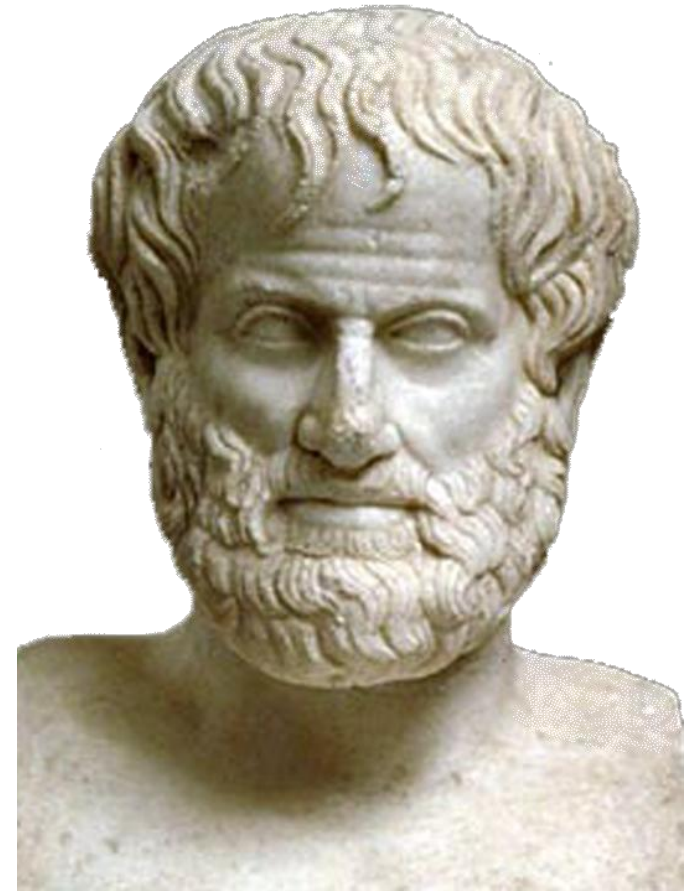
- Statutory definition of environmental justice  
“Environmental justice means the **fair treatment of people** of all races, cultures, and incomes with respect to the **development, adoption, implementation and enforcement** of environmental laws, regulations, and policies.”  
Gov. Code §65040.12(e)

# Environmental Justice



# Justice

- Aristotle - 2000 years ago
- Defined the most fundamental principle of justice—“equals should be treated equally and unequals unequally.”
- Justice is a sort of proportion—“that which is just, then in this sense is that which is proportionate, and that which is unjust is that which is disproportionate.”



# Justice

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# Environment

- First National People of Color Environmental Leadership Summit – 20 years ago
- Principles of environmental justices drafted and adopted
- Support an inclusive definition for environment: “where people live, work, play and learn, as well as the physical and natural environment.”



# Environmental Justice

- No universally accepted definition of environmental justice.
- Environmental justice is commonly viewed through two foundational theories:

**Distributive  
Justice**

**Procedural  
Justice**

# Environmental Justice

## Distributive Justice

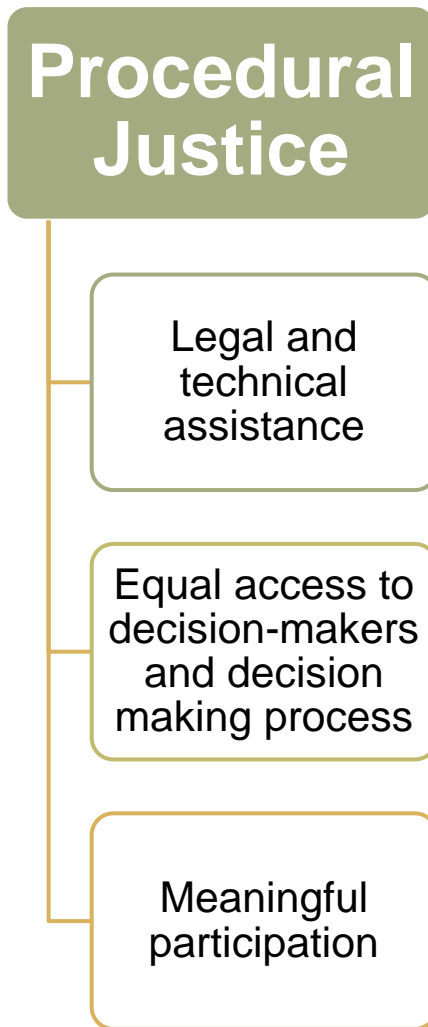
Fair share

Benefits and  
burdens  
distributed  
evenly

Disproportionate  
impacts

- **Fair share** of desirable and undesirable land uses
- Environmental and public health disproportionate impacts
- People of color and those with low income

# Environmental Justice



- **Fair Play**
- Process allows for dialogue between community and decision-makers
- Data and materials in language understood by residents
- Participation cannot be meaningful unless it has the ability to influence ultimate decision

# CalEnviroScreen

Strategy

Tool

# CalEnviroScreen

## CALIFORNIA COMMUNITIES ENVIRONMENTAL HEALTH SCREENING TOOL, VERSION 1.1 (CALENVIROSCREEN 1.1)

GUIDANCE AND SCREENING TOOL



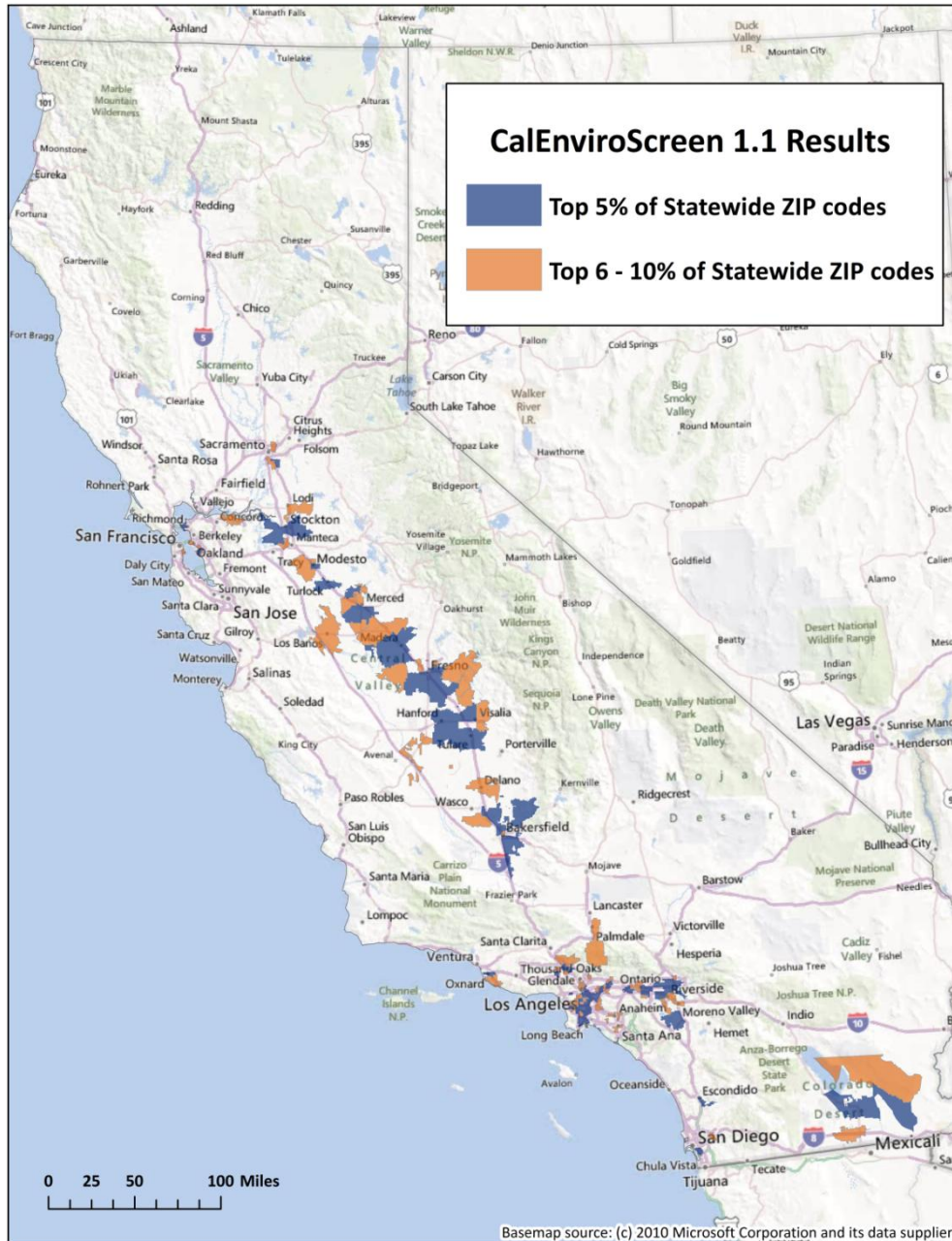
September 2013 Update

Matthew Rodriguez, Secretary  
California Environmental Protection Agency

George V. Alexeeff, Ph.D., Director  
Office of Environmental Health Hazard Assessment



- Identifies 17 indicators of environmental and socioeconomic conditions.
- Presents a broad picture of the relative burdens communities face from environmental pollution.

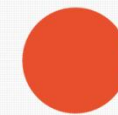


# Top 10% Zip Codes



**7.7 Million**

Number of people living in the top 10% Zip codes



**176**

Number of Zip Codes represented



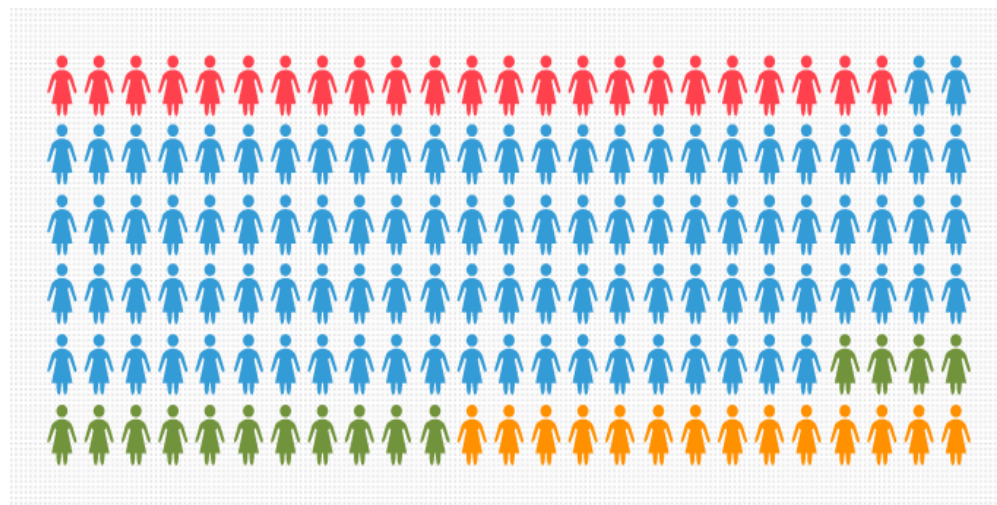
**1769**

Number of Zip Codes in California



# CALENVIROSCREEN 1.0

*Facts & Figures: If the top 10% Zip Codes had been a community.*



White Latino African American Asian

## Race/ Ethnicity



64%

Latino



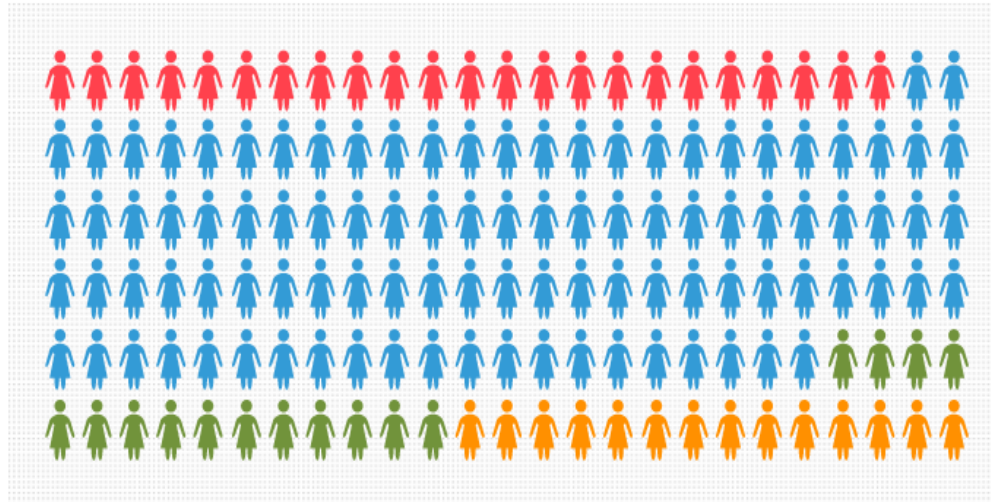
38%

State  
population  
Latino

# Race/ Ethnicity

## CALENVIROSCREEN 1.0

*Facts & Figures: If the top 10% Zip Codes  
had been a community.*



White Latino African American Asian



15%

White



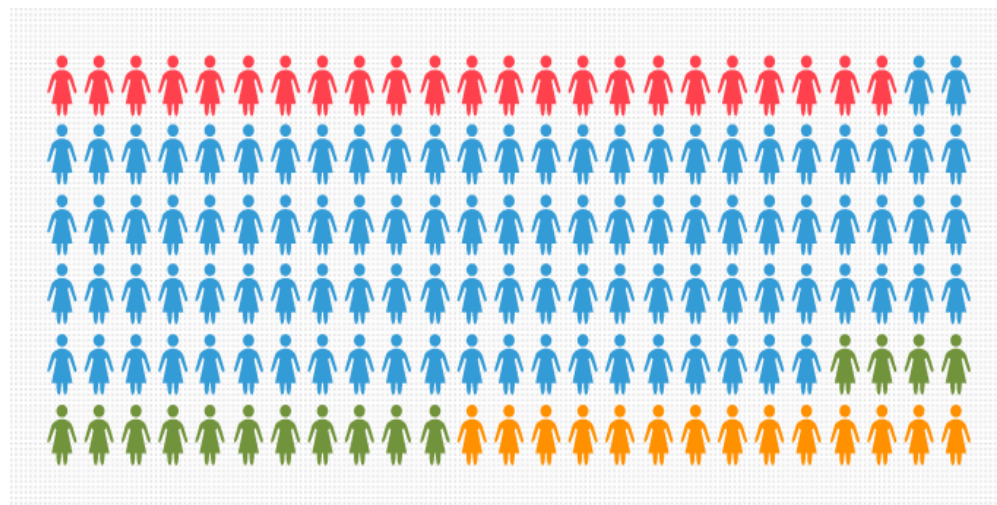
40%

State  
population  
White



# CALENVIROSCREEN 1.0

*Facts & Figures: If the top 10% Zip Codes  
had been a community.*



White Latino African American Asian

## Race/ Ethnicity



10%

African-American

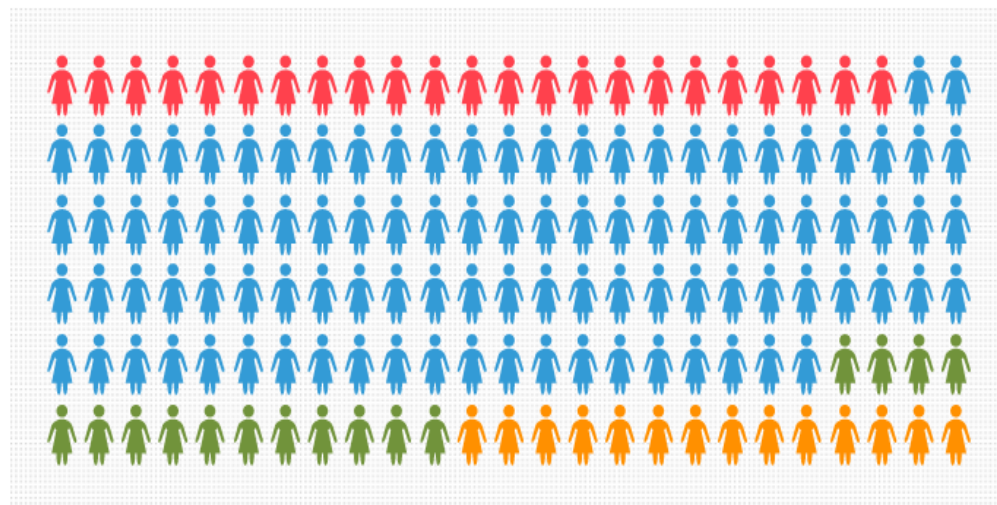


7%

State  
population  
African-American

# CALENVIROSCREEN 1.0

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White Latino African American Asian

## Race/ Ethnicity



9%

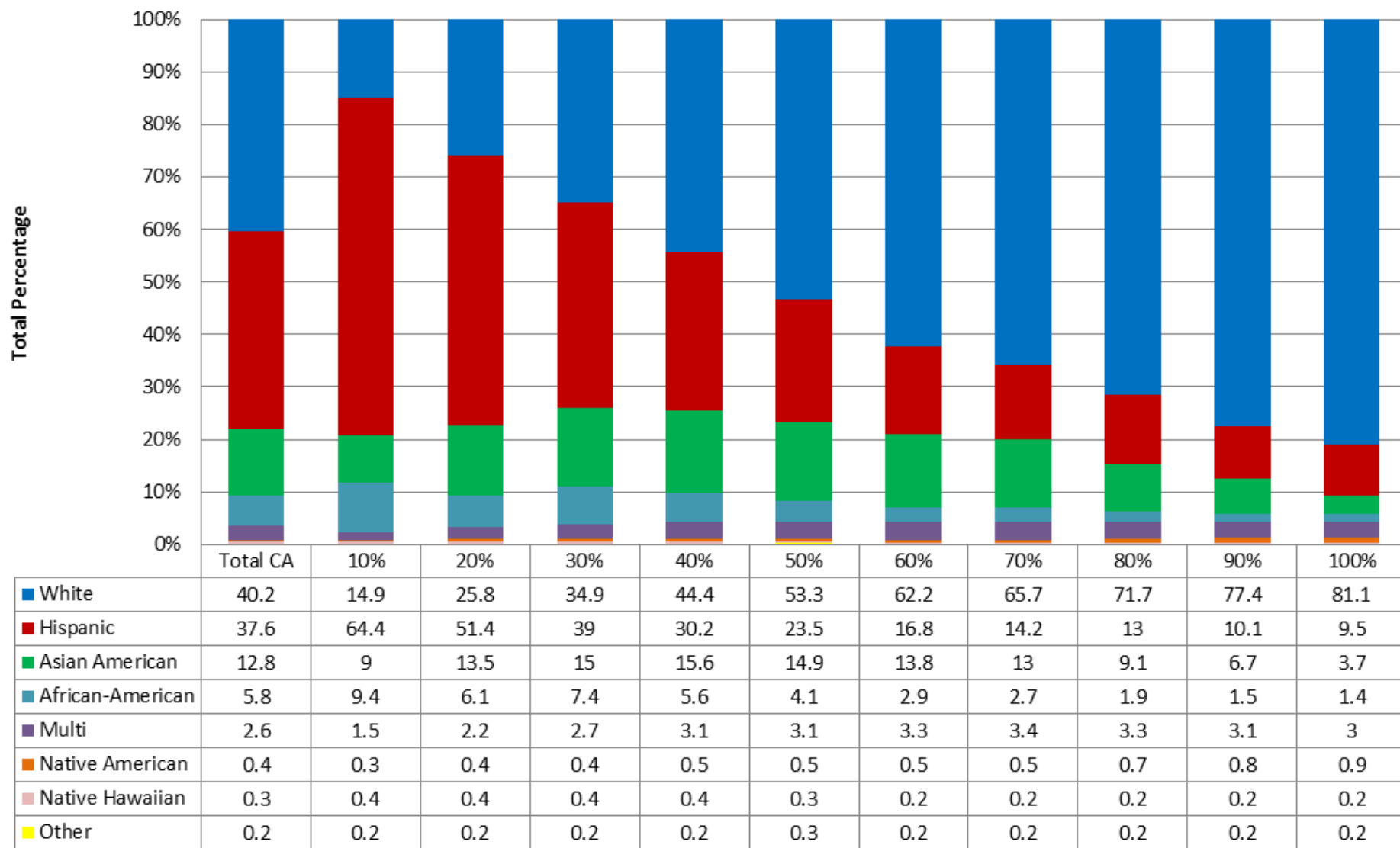
Asian-American



14%

State  
population  
Asian-American

# Race-Ethnicity Proportions of California by CalEnviroScreen Deciles



Total CA population: 37269815 (100%); 10% population: 7,810,628 (21%); 20% population: 6,351,963 (17%); 30% population: 4,973,733 (13.3%); 40% population: 4,660,377 (12.5%); 50% population: 4,534,694 (12.2%); 60% population: 3,639,520 (9.8%); 70% population: 2,904,987(7.8%); 80% population: 1,484,967 (4%); 90% population: 656,703 (1.8%); 100% population: 252,243 (0.7%)

# Latinos



**1 in 3**

Latinos live  
in top 10%  
communities



**5,029,237**

Population of Latinos  
living in the top 10%  
communities



**14,014,697**

Total population of  
Latinos

# African-Americans



**1 in 3**

African-Americans  
live in top 10%  
communities



**775,685**

Population of  
African-Americans  
living in the top 10%  
communities



**2,298,769**

Total population of  
African-Americans



# Non-Hispanic Whites



**1 in 13**

Non-Hispanic  
Whites live in  
top 10%  
communities



**1,161,127**

Population of  
Non-Hispanic Whites  
living in the top 10%  
communities



**14,970,497**

Total population of  
Non-Hispanic Whites

Non-Hispanic Whites  
Total population of

# CalEnviroScreen – Using the Tool

- Agency-wide
- Compliance and Enforcement Unit
- Prioritizes areas identified by CalEnviroScreen for compliance and enforcement

State of California  
California Environmental Protection Agency

## CALEPA POLICY MEMORANDUM

SUBJECT:

CALEPA ENVIRONMENTAL JUSTICE COMPLIANCE AND  
ENFORCEMENT WORKING GROUP

REFERENCES:

California Government Code sections 65040.12(e) and 12812.2;  
Public Resources Code sections 71110-71113; and CalEPA  
Intra-Agency Environmental Justice Strategy August 2004.

NUMBER:

ENF – 13 - 01

DATE ISSUED:

June 27, 2013

EXPIRES:

UNTIL RESCINDED

CATEGORY:

ENFORCEMENT

By statute the California Environmental Protection Agency (CalEPA or the Agency) is required to "promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state." (Pub. Resources Code, § 71110, subd. (b).)

In 2002, the Legislature directed CalEPA to develop an agency-wide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

To carry out this direction, in 2004, CalEPA developed the Intra-Agency Environmental Justice Strategy. This Strategy identified the following goals:

- Ensure meaningful public participation and promote community capacity-building to allow communities to effectively participate in environmental decision-making processes;
- Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies;
- Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations;
- Ensure effective cross-media coordination and accountability in addressing environmental justice issues.

On April 23, 2013, CalEPA released the California Communities Environmental Health Screening Tool, Version 1 (CalEnviroScreen). CalEnviroScreen is a science-based tool that identifies the California communities most burdened by pollution from multiple sources and most vulnerable to its effects.

# CalEnviroScreen – Using the Tool

- SB 535 (De Leon, 2012)
- CalEPA shall identify “disadvantaged communities” for cap and trade proceeds investment opportunities
- 25 percent of proceeds to benefit disadvantaged communities and at least 10 percent of the proceeds must be invested in projects located within those communities.





# CalEnviroScreen – Using the Tool

- ❑ SB 43 (Wolk, 2013)
- ❑ Allows people to buy power from small to medium-sized solar energy plants and receive a credit on their utility bill for the clean energy produced
- ❑ 100 MW reserved for facilities in areas disproportionately impacted by environmental pollution or socioeconomic vulnerability as identified by CalEPA.



# CalEnviroScreen – Using the Tool

- ❑ Strategic Growth Council
- ❑ Sustainable Development Planning Grants
- ❑ 25% of the funding cycle set aside for proposals that include and specifically benefit Environmental Justice communities
- ❑ Utilizes CalEnviroScreen to identify environmental justice communities



# Community Environmental Enforcement Networks

Strategy

Tool

# Community Environmental Enforcement Networks

- Participation in community based enforcement networks

The screenshot displays the IVANOnline website, which is dedicated to environmental reporting. The header features the IVANOnline logo with the tagline "Innovation Value Access Networking" and a navigation menu with links to HOME, ABOUT, FEATURES, SUMMIT, RESOURCES, BLOG, and CONTACT. The main content area includes a large banner with the text "Report Environmental issues in less than 5 minutes!" and a subtext "Learn how to report environmental issues in your community using the easy to use IVAN Online reporting tool." To the left of the banner is a mockup of the reporting interface, showing fields for "Report Title" and "Description", a "Find a location" dropdown, and a "Submit a New Report" button. Below the banner, the "Our Reporting Network" section lists four communities: IMPERIAL VALLEY, KERN COUNTY, COACHELLA, and FRESNO. Each community has a small image and two links: "Visit the Site" and "Report a Problem". On the right side of the network section, there is a paragraph describing IVAN as an Environmental Monitoring System that connects the community with real people that can help solve local environmental problems. Below this paragraph is a "READ MORE" button.





**IVANOnline**  
Innovation Value Access Networking

HOME ABOUT FEATURES SUMMIT RESOURCES BLOG CONTACT

Report Environmental issues in less than 5 minutes!

Learn how to report environmental issues in your community using the easy to use IVAN Online reporting tool.

**Our Reporting Network**

 <b>IMPERIAL VALLEY</b> <a href="#">Visit the Site</a> <a href="#">Report a Problem</a>	 <b>KERN COUNTY</b> <a href="#">Visit the Site</a> <a href="#">Report a Problem</a>
 <b>COACHELLA</b> <a href="#">Visit the Site</a> <a href="#">Report a Problem</a>	 <b>FRESNO</b> <a href="#">Visit the Site</a> <a href="#">Report a Problem</a>

*IVAN is an Environmental Monitoring System that connects the community with real people that can help solve local environmental problems.*

*Click on your community on the left hand side and we'll get you started with an innovative way of reporting local environmental health concerns.*

[READ MORE](#)

# Community Environmental Enforcement Networks

- Environmental complaint monitoring systems
- Local task force approach
- Communities help address environmental problems

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IVANOnline  
Innovation Value Access Networking

HOME ABOUT FEATURES SUMMIT RESOURCES BLOG CONTACT

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Our Reporting Network

IMPERIAL VALLEY  
Visit the Site  
Report a Problem

KERN COUNTY  
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COACHELLA  
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FRESNO  
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Report a Problem

IVAN is an Environmental Monitoring System that connects the community with real people that can help solve local environmental problems.

Click on your community on the left hand side and we'll get you started with an innovative way of reporting local environmental health concerns.

READ MORE

# Community Environmental Enforcement Networks

- Resident observes oil operation discharging water into a unlined pond



# Community Environmental Enforcement Networks

- Resident captures discharge on video





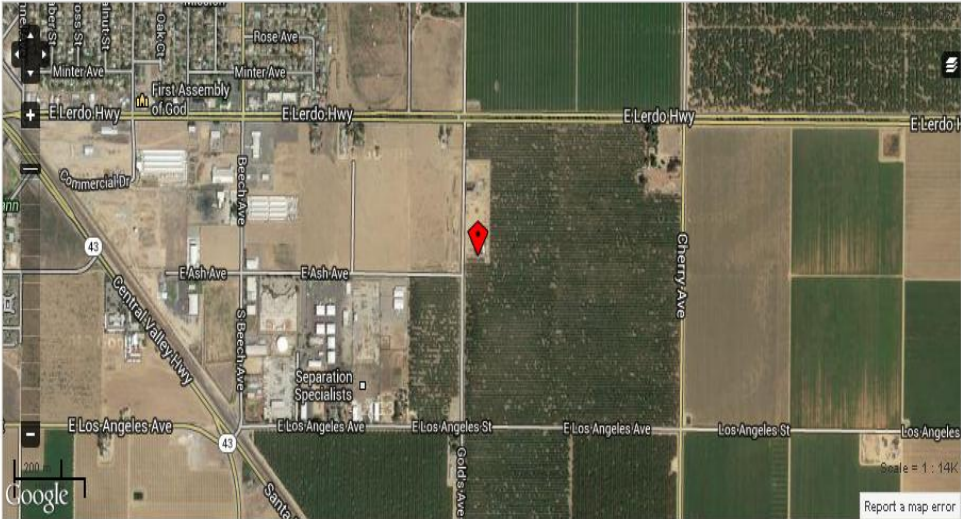
# Community Environmental Enforcement Networks

- Complaint filed with Cal/EPA and Community Environmental Enforcement Network

**KEEN**  
Kern Environmental Enforcement Network  
[Click here for KEEN main homepage](#)

[+ SUBMIT A REPORT](#)

HOME REPORTS SUBMIT A REPORT GET ALERTS CONTACT US DOWNLOAD REPORTS



▼ Taller map ▶ Smaller map

**Fracking Wastewater Discharged into Dirt Sump** **UNVERIFIED**

🕒 01:26 Apr 12 2013 📍 Gold's Avenue and East Ash Avenue, Shafter, CA

Abandoned / Illegal Dumping

**Additional Reports**

**Brown and Bryant Hazardous Waste Contaminated Site in Shafter** 🕒 12:21 Mar 27, 2012

🕒 Brown and Bryant site, Elm and Commercial Drive along railroad



# Community Environmental Enforcement Networks

## □ Enforcement action



*Central Valley Regional Water Quality Control Board*

### **Central Valley Water Board Implementing Enforcement Actions for Alleged Unpermitted Discharge of Hydraulic Fracking Waste**

**For Immediate Release:**  
April 9, 2013

**Contact:** Clay Rodgers  
Assistant Executive Officer  
Doug Patterson  
Supervising Engineer  
(559) 445-5118

**Fresno** – The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has issued an investigative enforcement order to Vintage Production California, an oil company conducting hydraulic fracking in a recently drilled oil well near the City of Shafter and the North Shafter Oil Field in Kern County. The operation allegedly discharged hydraulic fracking wastewater into an unlined retention pond without the proper permits, posing a risk to surface and ground water quality.

Central Valley Water Board Executive Officer Pamela Creedon issued the investigative order on April 4 under California Water Code Section 13267 giving Vintage Production California LLC until May 6 to report back to the Board with specific details about the operation of the well, which is located in an area where hydraulic fracking stimulation is used to enhance oil and gas

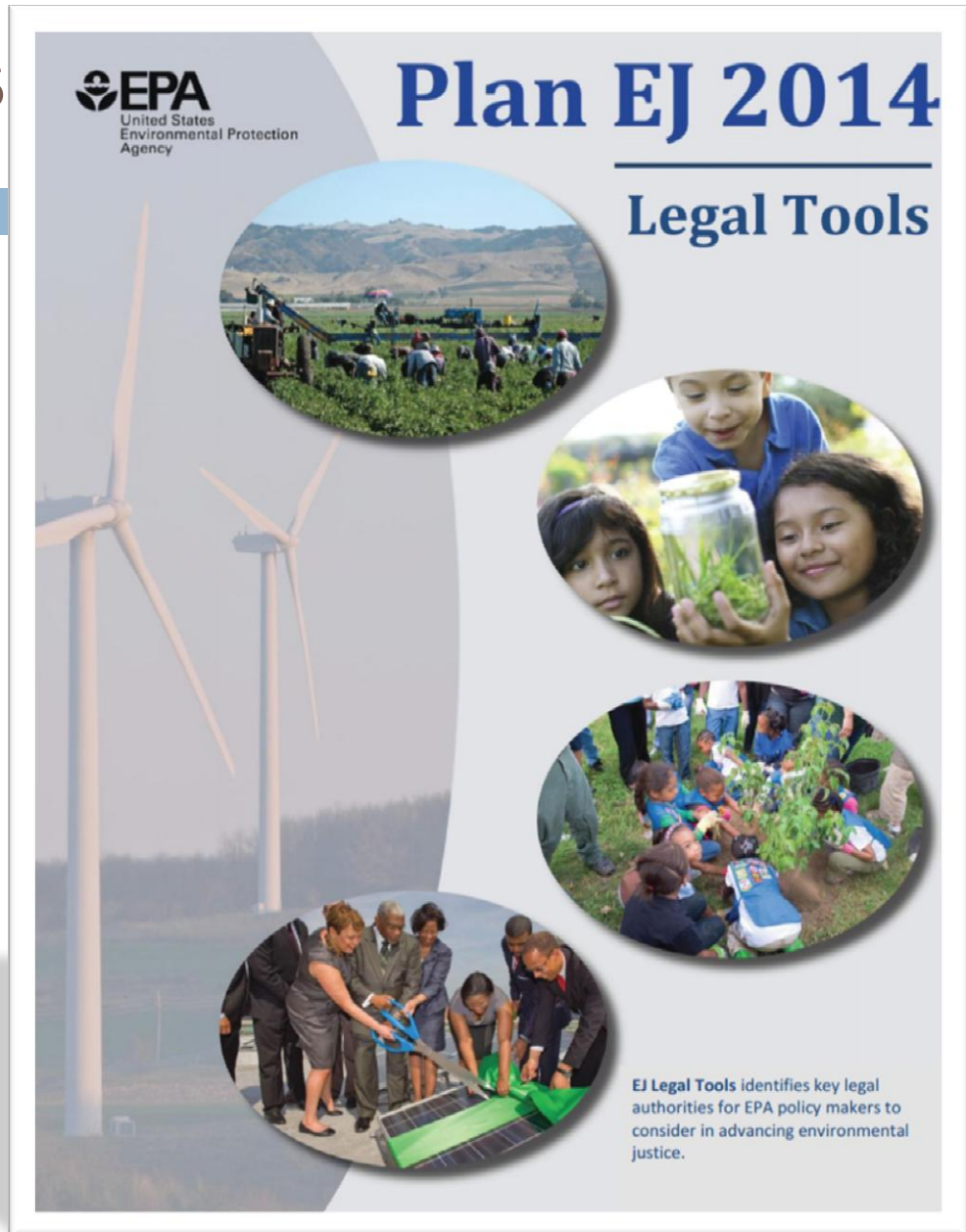
# EPA Legal Tools

Strategy

Tool

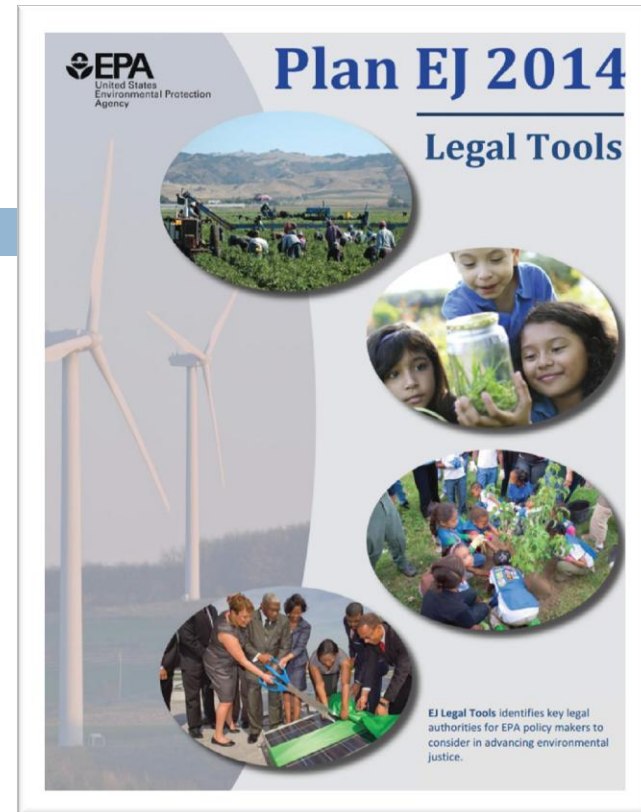
# EPA - Legal Tools

- Identifies key legal authorities for policy makers to consider in advancing environmental justice.



# EPA - Legal Tools

- TMDLS
- State has broad discretion in deciding how to assign allocations.
- Pollutants may particularly affect highly impacted communities, due to significant exposures to other pollutants.
- Potential ability to exercise discretion by reducing load allocations to sources that would directly impact highly impacted communities.



# CalEPA Tribal Policy

Strategy

Tool

# Cal/EPA Tribal Policy

- Cal/EPA's first Tribal Policy
- Signed in 2009
- Provides definitions and guiding principles
- Presented specific action items

State of California  
California Environmental Protection Agency  
Cal/EPA-019 (New 05/18/05)

CAL/EPA POLICY MEMORANDUM	
NUMBER:	CIT-09-01
DATE ISSUED:	10/19/09
EXPIRES:	UNTIL RESCINDED
CATEGORY:	CALIFORNIA INDIAN TRIBES

SUBJECT:  
CAL/EPA POLICY FOR WORKING WITH CALIFORNIA INDIAN TRIBES

REFERENCES:

**STATEMENT OF PURPOSE**

The mission of the California Environmental Protection Agency (Cal/EPA) is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality.

This policy provides a framework for Cal/EPA and its Boards, Departments and Offices (BDOs) to improve and maintain communication and collaboration between Cal/EPA, its BDOs, and California Indian Tribes to further the mission of Cal/EPA.

This policy also provides a commitment to educate appropriate staff, to become informed about the cultural setting of California Indians, their environmental issues and tribal histories, for the purpose of improving Cal/EPA's understanding of and connection to California Indian Tribes.

**DEFINITIONS**

For purposes of this policy, the following terms shall have the meanings defined below:

**California Indian Tribe:** A federally-recognized California Indian Tribe (as listed on the Federal Register). With respect to cultural resources, a federally-recognized Indian Tribe and a non-federally recognized California Native American Tribe that is on the California Tribal Consultation List maintained by the Native American Heritage Commission (NAHC).

**Tribal Sovereignty:** Refers to the unique political status of federally-recognized Indian tribes. Federally-recognized Indian tribes exercise certain jurisdiction and governmental powers over activities and Tribal members within its territory. Some of these powers are inherent, some have been delegated by the United States, and all are subject to limitations by the United States. Existing limitations are defined through acts of Congress, treaties, and federal court decisions.

**Indian Country [or Tribal Lands]:** Have the same meaning as the term "Indian country" in title 18 United States Code section 1151 (see Statutory References).

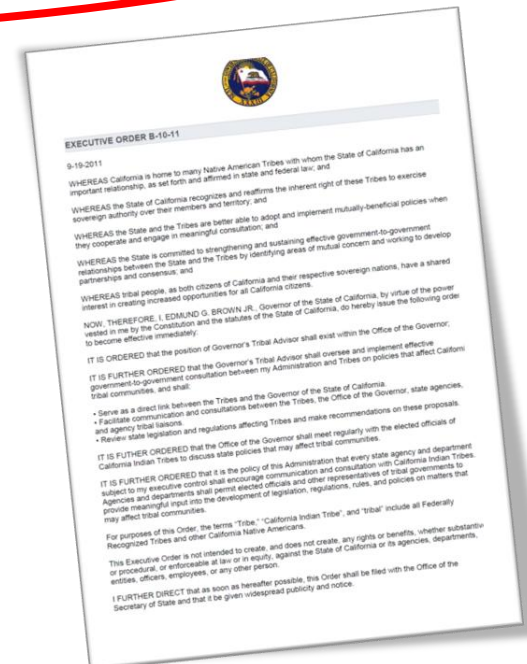
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# Executive Order B-10-11

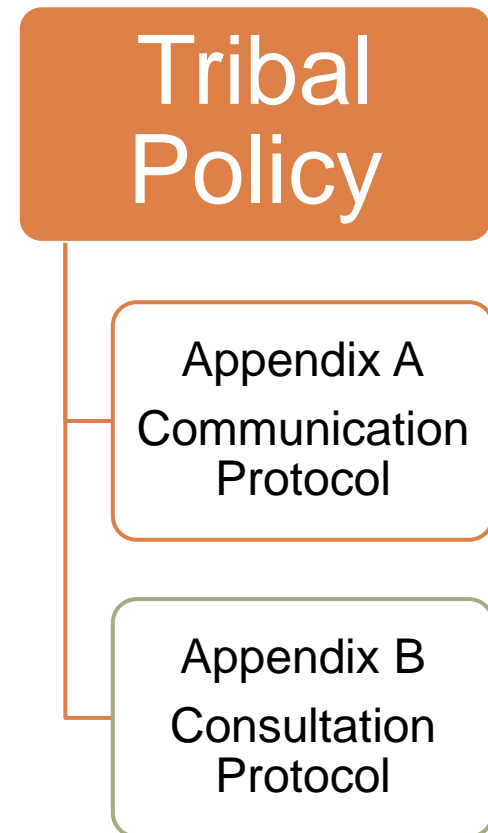
IT IS FURTHER ORDERED that it is the policy of this Administration that every state agency and department subject to my executive control shall encourage communication and consultation with California Indian Tribes. Agencies and departments shall permit elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

- Shall encourage communication and consultation with California Indian Tribes
- Legislation
- Rules and Regulations
- Policies



# Key Areas for Revision

- Define Consultation
- Update Action Items
- Communication Protocol
- Consultation Protocol





# Contact Information

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Arsenio Mataka  
Assistant Secretary  
California Environmental Protection Agency

**Arsenio.Mataka@calepa.ca.gov**  
**(916) 323-0445**